

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

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| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No: 09-00143-12-CR-W-ODS |
| |) | |
| ALEXANDRU FRUMUSACHE, |) | |
| |) | |
| Defendant. |) | |

SENTENCING MEMORANDUM

COMES NOW defendant Alexandru Frumusache, by and through counsel, Tony R. Miller and the firm of Troppito + Miller, LLC, and hereby submits the following Sentencing Memorandum to assist the Court in determining an appropriate sentence that is sufficient, but not greater than necessary.

I. Procedural History

On May 6, 2009, a federal grand jury sitting in Kansas City, Missouri returned an indictment against defendant Alexandru Frumusache and eleven other persons and entities. Defendant Frumusache was charged only in Count Three; Forced Labor Trafficking in violation of Title 18 U.S.C. § 1589(a). The defendant was arrested on May 26, 2009 and has remained in custody since his arrest. On October 7, 2009, defendant Frumusache entered a guilty plea pursuant to written agreement before this Court. There were no objections filed by the parties with respect to the Preliminary Presentence Report that was filed July 7, 2010. The Government was granted an extension on September 7, 2010 to solidify their position on restitution. Sentencing is presently scheduled for November 5, 2010.

II. Argument

Count Three charged the defendant with Forced Labor Trafficking in violation of Title 18 U.S.C. § 1589(a). Specifically, the defendant admitted guilt to knowingly aiding and abetting certain codefendants in causing foreign workers to believe that they would be deported, or their H2B work visas would be cancelled, or they and/or their families would suffer a financial penalty unless they accepted whatever working and living conditions were presented to them. Although defendant Frumusache accepts responsibility for his unlawful acts that caused or contributed to cause harm to the victims in this case, he would note for the Court that that he did not personally mistreat the laborers; noted in the Presentence Report on Page 47 at Paragraph 157 by the author of said report. Throughout his cooperation with the Government in this case, the defendant has been able to explain how he was a victim of the many of the same circumstances as the recognized victims in this matter. Defendant Frumusache paid money to Giant Labor Solutions (GLS) to renew an H2B work visa that never came; all the while, the defendant had to keep the same job low-paying job with GLS for fear that he would be deported. In addition, the rent for his overcrowded apartment was extracted directly from his pay by GLS for a period of time.

Although defendant Frumusache never had the opportunity testify in this matter due to the late plea by defendant Askarkhodjaev, defendant Frumusache is hopeful that the Government will file a motion asking the Court to grant him a downward departure due to his substantial assistance in the investigation and prosecution of persons and entities for their crimes; authority for said downward departure pursuant to United States Sentencing Guidelines (USSG) §5.K.1 and Title 18 U.S.C. § 3553(e). Specifically,

defendant Frumusache was debriefed and/or met with counsel for the Government for a combined total of approximately sixteen hours over four days during the last two years. Indeed, defendant Frumusache notified the Government very early of his intent to cooperate with their investigation and has continued to cooperate following his guilty plea of approximately one year ago. As such, defendant Frumusache would ask that the Court grant the Governments departure motion, if it is filed.

Last, for purposes of crafting an appropriate sentence in this case, the defendant would ask that the Court adopt the USSG calculation as outlined in the Presentence Report, as we believe that it fairly and accurately reflects the defendant's relative culpability in this matter. As such, we would ask that the Court grant the Government's motion for downward departure that we expect to be filed, sentence the defendant to one-half of the low-end of USSG Total Offense Level 19 (15 months of the USSG recommended months of incarceration 30 months), and release the defendant; giving him credit for the time that he has already served awaiting the trial of the codefendants that did not reach an early disposition.

WHEREFORE, for the above reasons, it is requested that the Court sentence the defendant Alexandru Frumusache to 15 months, grant him credit for the time that he has served in custody since May 26, 2009, order his release, and for such other relief as the Court deems appropriate.

Respectfully submitted,

TROPPITO & MILLER, LLC

/s/ Tony R. Miller

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the __25th__ day of __October, 2010, I electronically filed the foregoing Sentencing Memorandum with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following: counsel of record for the parties and others entitled to receive filings.

/s/ Tony R. Miller

Tony R. Miller